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AT Why second order desires/volitions necessary

AT environmental factorsI affirm,

In the criminal justice system, individuals are sentenced on a case-by-case basis, and these sentences are situation-specific. Even if a mentally ill and a completely rational person commit the same crime, the courts obviously do not punish them the same way. In the aff world, the courts carefully assess the characteristics of the actor and punish her accordingly. Thus, the neg must prove that juveniles, as a whole class, ought to be treated differently, as treating individual juveniles differently is aff ground.

And, textually, the aff need not defend the legitimacy of the entire justice system. Rather, the aff must show that within the current system, there ought not be a distinction between juveniles and adults. This is true: first, the resolution merely asks whether or not juveniles should be regarded in the same way, not whether the cjs is good or bad; second, the resolution doesn’t give any context for the criminal justice system, or the felonies committed, so defending any specific system wouldn’t be textual. Textuality is key to fairness since it is the basis for pre-round prep.

Further, the resolution questions whether juveniles ought to be treated the same way as adults. The only reason to treat these two groups differently would be one that establishes certain characteristics of adults that juveniles’ lack. Consequently, if I prove there is no distinction between juveniles and adults, you vote aff.

1) According to Princeton Wordnet “treat[[1]](#footnote-1)” means (v) treat (regard or consider in a specific way) "I treated his advances as a joke. When we regard something, we think of it as how it is, and so we regard like things alike. Therefore, proving that there is no distinction between juveniles and adults demonstrates that we should consider both groups in the same manner, in which case you textually affirm.

2) If there are no distinctions between juveniles and adults and they are equal then the resolution becomes a tautology that adults ought to be treated as adults. If the resolution is a tautology, then it would be definitionally true, meaning if there are no distinctions between juveniles and adults, you affirm.

I value **morality**,

I advocate Harry Frankfurt’s conception of personhood, in which persons are beings that have second-order volitions, or desires to make certain first-order desires part of their will, the standard is **treating people as ends in themselves.**

I contend that only affirming meets the standard.

**First**, the temporal distinction between adults and juveniles is arbitrary and doesn’t adequately extol reciprocal punishment, so disrespects peoples’ ends status: **A.** There are no morally relevant factors that go into the decision, as the government just picks a point in time to draw the distinction. Any such distinction will be arbitrary as there’s no way to guarantee that age determines rationality, given that a 17 year old juvenile, who doesn’t have any signs of mental defect, is punished weakly because of arbitrary temporal distinctions. Consequently, the neg doesn’t respect people as ends in themselves since they are not treated equally. **B.** If psychological analyses are used to determine rationality affirm since the brain does not fully develop until people are 25. Since all individuals develop differently, the government cannot legislate the distinction between adulthood and non-adulthood at a mathematical point. Regardless of where the distinction is, some people will be classified inappropriately. Some individuals’ brains may develop before or after the distinguishing age. Thus, there can be no morally relevant distinction between juveniles and adults.

**Second**, both juveniles and adults meet the qualifications necessary for moral responsibility. In order to be held morally responsible, all that matters is that individuals’ second-order volitions and effective desires align. When this occurs, individuals have acted of their own free will.

And, the juvenile justice system does not prevent future crime. Levitt 1:

**The current punitiveness of the juvenile justice system**—which should not have a direct effect on the behavior of adults—**yields** larger estimated impacts in most columns, although in no case are these **coefficients statistically significant at** the **.05** level. These results suggest that **the punitiveness of juvenile sanctions does not** have a first-order **impact** on later **criminal involvement. This finding is consistent with** longer-term **deterrent** effects **and** criminal human capital/**stigma effects** roughly **offsetting one another**, or both simply being small in magnitude.'

Rather, adult courts decrease violent crime by 25% in the year following attainment of the age of majority. Levitt 2:

This paper presents some of **the first rigorous empirical estimates of the effect of the criminal justice system on juvenile crime**. The evidence **suggest**s **that juvenile crime is responsive to harsher sanctions.** The estimated decrease in crime associated with incarcerating an additional juvenile is at least as large as the corresponding reduction in crime for adults. In addition, **there are sharp changes in crime rates associated with the transition from the juvenile to the adult court. In the year following attainment of the age of majority, states that punish adults** particularly **harshly relative to juveniles see violent crime rates fall by** almost **25 percent** and property crime 10-15 percent relative to states in which adult punishments are relatively lenient.

Further, numerous empirical studies confirm that juveniles rationally respond to incentives and thus can be deterred. Yahya[[2]](#footnote-2) ‘06:

Returning to smoking juveniles, **a study using experimental methodology that looked at juvenile smoking behavior** also **confirmed** thatprice will negatively impact their consumption**. Marijuana** usage**[,]** by juveniles was also found to be price sensitive. Another study found thatcocaine addictionby high school seniors also fit the rational addiction model, as the demand for cocaine was price sensitive, **and alcohol consumption by [juveniles]** the same groupwas also found to be **[is] price sensitive.** Even non-consumption risky behavior was found to be responsive to incentives. Teenage pregnancies, for example, fell as welfare benefits fell (thereby reducing the payoff for an out of wedlock child), but even non-price variables affected risky teenage behavior, as teenage pregnancies declined [and] as the incidence of AIDS grew.Another study foundthatjuveniles did respond[ed] to legal variables as **minimum legal drinking ages reduced underage teenage drinking [and]**. Similarly **minimum smoking ages reduced underage teenage smoking**, and mandatory seat belt laws reduced vehicle fatalities among youth**.** In contrast, those activities that did not have an age specific legal restriction, such as smoking marijuana, did not have an age specific pattern for youth**.** All in all, **the econometric evidence** points to the proposition **[shows] that** even **youth** are rational who **respond to incentives in a consistent and measurable manner,** thereby **suggesting** that **juveniles can be deterred.**

Prefer econometric evidence as it accounts for the characteristics and general statistics of juveniles over time, and comes to a comprehensive conclusion without excluding relevant facts that may occur in the past. Also, it accounts for the characteristics of the majority of juveniles by determining general trends among the populace and then drawing conclusions from those characteristics rather than basic them off of specific individuals who may either be from particular states or who may demonstrate outlying traits. FRONTLINES:

**At Frankfurt has no warrant:**

1. Prefer Frankfurt’s arguments to my opponents since mine comes from a renowned philosopher

2. Frankfurt is making a descriptive claim about our personhood, so its impossible to provide an additional warrant. For example, I can’t further explain why the grass is green, because it just is.

3. Extend the arguments right above Frankfurt which indicate that personhood is the most important evaluation of morality. Frankfurt prescribes necessary conditions for personhood to exist, so if Frankfurt is incorrect, then we cannot derive morality, in which case you go to skepticism.

4. Frankfurt has a clear warrant—in order to avoid treating animals as humans; we have to create a foremost distinction among them. Frankfurt identifies this distinction through our second order volitions, ie our ability to communicate our second order desires. The warrant is an analysis of the qualifications necessary for moral responsibility and a comparison of how wantons do not possess those.

**AT Communal differences:**

1. Those don’t create a distinction between juveniles and adults given that the status quo CJSs are able to account for those.

2. Extend the treat interp at the top of the AC, if juveniles are immature then they wont receive the same punishment as more mature and ready adults would receive given that we can assess each case on a case by case basis.

3. This argument just proves there is another relevant concern for punishing people, however it does not disprove that rationality is the most important concern of our moral calculi. Extend the argument right under Frankfurt 2 which proves that respecting second order volitions is the most important moral characteristic since it’s central to all ethical theories, whereas their concern is only specific to a few.

4. Communal and maturity differences don’t create distinctions between juveniles and adults since they don’t give a justification for a temporal distinction. At best their argument show that people are different, however they are not-unique to the temporal nature of juveniles, which is necessary to be proven morally relevant.

5. Extend the arguments in the D in the third contention that risk taking factors are inherently subjective and can’t warrant different treatment. Extend that given that juveniles can consciously choose to act just like adults they ought to be treated the same. This means the NC is not relevant as it doesn’t create a distinction, but rather serves as offense since the only way to garner similarities between juveniles and adults is that they both can consciously choose to act.

6. Extend the E in contention three that no impediments can make crime literally irresistible, ie even if I am in a bad area, I am not 100% forced to commit a crime. This means that although it is a difficult choice to abstain from crime, juveniles are still morally responsible for what they have committed, and deserve equal sentences as adults.

7. They concede the second contention which is prioritized as the most important. The only necessary feature of being held morally responsible is having the ability for your second order volitions and effective desires to align. Frankfurt 3 warrants that a necessary part of moral responsibility is being able to choose what second order desires you want to act upon, and then effectively communicating those volitions into your effective desires, or what you actually do. Frankfurt 4 warrants that the only people who cannot do this are wantons, small children and animals, since they merely evaluate choices by competing first-order desires. Extend that the eng has the positive burden to demonstrate that juveniles are wantons since if they aren’t they can be held morally responsible like adults and would merit equal punishment. Extend juveniles are not wantons because common sense dictates they can have desires about desires and act on their desires, the example of a juvenile wanting to want to kill someone, and actually killing them clarifies that they can incorporate their second order desires into their will. Thus, we should treat juveniles the same as adults since they both meet the only essential requirements of moral responsibility.

8. Decision-making is inherently subjective, which is why people disagree. Factors like risk-taking are weighed differently between people and cultures, since there are an infinite number of ways to evaluate a situation. Thus, there is no guideline for what type of thought processes or environmental situations warrant different treatment..

**A2 Age is not arbitrary:**

1. Extend either 1 or 2 in the first contention they offer contrasting views.

2. The voting age is the basis for determining rights in the US, and given that it fluctuates, there’s no normative reason to hold individuals to this standard since it’s arbitrary. For instance, the legal voting age was changed from 21 to 18 in the 70s in part because of the student activism regarding the Vietnam War. Political motivations, not psychological ones caused the change.

3. Age is arbitrary since it is constantly changing and doesn’t reflect a consistent standard, (insert the card from previous versions)

4. Categorization of groups is not reducible to individuals. If Asians are generally smart that does not mean that being smart is a characteristic inherent to Asians. Thus, just because some 15 year olds may be irrational, does not mean everyone under 18 is irrational. Thus age is insufficient to differentiate the treatment of people and therefore negating violates the standard.

**A2 aff must defend current CJS:**

1. Extend the a or b in the interp from the top of the ac

2. Extend you prefer aff interps so long as they are not absurdly abusive, my interp is that I only have to defend the distinction between juveniles and adults, not problems with the CJS.

3. Further, this is the only textual interpretation since “treated as adults” is merely an abbreviated subordinate clause. The implicit extension is that they ought to be treated as adults ought to be treated since the only way the omission of a predicate is grammatically acceptable is to avoid repeating it[[3]](#footnote-3).

4. (Put in other theoretical arguments from previous versions of this ac)

**Triggers to permissibility in the 1ar:**

Extend that permissibility affirms (either through the third arg in ac or argument under Korsgaard that the neg has to prove a moral obligation to separate treatment)

Different routes:

1. If they prove juveniles are not rational:

a. extend their response that juveniles are not rational.

b. extend the second argument in the third contention that if juveniles are not rational we can have no moral obligations towards them.

c. If we cannot have moral obligations towards juveniles, that makes it impossible for the neg to prove a moral obligation to separate treatment between juveniles and adults, in which case it is permissible, which is sufficient to affirm.

2. They justify utility, but concede Taurek/Korsgaard/bostrum

a. Extend that the proper ethical standard is utility, so the only way that we can provide moral obligations to do things is by weighing impacts back to utility.

b. Extend that utility cannot be used to create a moral obligation because of the devastating flaws identified in either (insert Taurek/Korsgaard/bostrum and explain why it takes out utility).

c. Thus, since the neg is justifying the only way to evaluate offense is through utility and I am winning reasons why utility cannot be used as a standard the negative cannot prove an obligation to separate the treatment of juveniles and adults as utility is rendered meaningless and cannot provide moral obligations.

3. They concede the A in the third contention

a. extend that the only way to make judgments about people is through determining their rationality, else our judgments become dependent on empirical states that are impossible to verify. Extend, the neg’s response that we should change the treatment of juveniles based upon their (extend whatever empirical analysis they will use to prove a distinction)

b. Extend that empirical states create impossible obligations since we can never identify every single scenario, in which case it would be impossible to derive obligations towards treating juveniles. Thus, since we cannot generate obligations based upon empirical states, which is what the eng is using, you affirm via permissibility since the negative cannot prove a relevant moral obligation to separate treatment.

**Extensions of the Second contention:**

OV: the second contention comes first since it identifies the sole characteristics necessary to determine moral responsibility. Even if the eng wins that children are less mature, those characteristics are meaningless since all that is necessary to be held morally responsible is to have your second order volitions and effective desires align, which Frankfurt 5 + 6 sufficiently justify.

Extend Frankfurt 5

Extend Frankfurt 6

Extend they have the proactive obligation

Extend that they can’t meet it

**FL-rationality key to util**

**AT Contracts:**

**A2 Util is consistent with Frankfurt’s personhood**

1. Extend the first justification for my standard that utility doesn’t take into account individuals second order volitions or effective desires, rather merely evaluates end states.

2. Utility values the good as something distinct from the will, whether that be self-interest or mere end states, however those end states or personal preferences don’t explicate the necessary characteristics for determining moral responsibility which Frankfurt describes.

3. Utility cannot possibility differentiate wantons from non-wantons:

a. it merely evaluates end states not the characteristics of the person.

b. utility just evaluates individuals self interest, however self interest is not unique to anyone as wantons like babies can have self interest, but yet they don’t have the ability to want to want to have certain desires, which utility does not account for.

4. Utility places its moral evaluation in the ends of actions, however, since the ends of our actions are constantly changing, it becomes impossible to assign moral responsibility in personhood. Thus, if I win its impossible to evaluate the consequences from utility, then it cannot assign elements of personhood, in which case it doesn’t link to my meta-standard. Given that there is no mathematical point at which the effects of an action stop. All actions start a causal chain of events that has no clear ending point. For instance, if I kick a ball, that causes a car to crash, resulting in the death of the driver and a battle over the deceased’s will, there’s no way to determine at which point I stop being morally culpable for the effects of my kicking the ball. Thus evaluating the results of our actions makes causality impossible to determine since we don’t know when we stop being morally responsible. Evaluating our second order volitions solves this, since non-wanton actors can completely control what they want to want to do.

5. Utility fails and is not a sufficient ethical theory in order to establish any obligations…(extend the third or fourth justification for the standard)

6. Util destroys personhood as it values the society over the person and deems the will irrelevant. By establishing precedents that individuals can be sacrificed for the greater good, personhood becomes deconstructed—hence utility is antithesis to my meta-standard.

**A2 Neg permissibility/presumption**

**A2 Rationality is not important**

1. its derived from my metaethical standard

2. Frankfurt indicates that the only way we can differentiate between mere animals (who can’t be held to moral rules) and persons is through second order volitions

3. Korsgaard indicates that rationality is the only entity that is independently valuable

4. Rationality is not a tool to other goods, ie making correct decisions, rather those decisions are derived in the opposite manner—the only reason we care about accurate punishments is because a. we want to make rational decisions and b. we are not treating people as ends in themselves, which is derived from a respect for rationality.

5. NO warrant why anything else comes before rationality

6. Skepticism follows if we don’t follow rationality, skepticism affirms

**AT Util**

**2 options**

**FL Kick AC go for Util:**

First, numerous empirical studies confirm that juveniles rationally respond to incentives and thus can be deterred. Yahya[[4]](#footnote-4) ‘6:

Returning to smoking juveniles, **a study using experimental methodology that looked at juvenile smoking behavior** also **confirmed that price will negatively impact their consumption. Marijuana usage[,]** by juveniles was also found to be price sensitive. Another study found that **cocaine addiction** by high school seniors also fit the rational addiction model, as the demand for cocaine was price sensitive, **and alcohol consumption by [juveniles]** the same group **was also found to be price sensitive. Even non-consumption risky behavior was found to be responsive to incentives. Teenage pregnancies, for example, fell as welfare benefits fell** (thereby reducing the payoff for an out of wedlock child), but even non-price variables affected risky teenage behavior, as teenage pregnancies declined **[and] as the incidence of AIDS grew. Another study found that juveniles did respond to legal variables as minimum legal drinking ages reduced underage teenage drinking [and]**. Similarly **minimum smoking ages reduced underage teenage smoking**, and mandatory seat belt laws reduced vehicle fatalities among youth**. In contrast, those activities that did not have an age specific legal restriction, such as smoking marijuana, did not have an age specific pattern for youth.** All in all, **the econometric evidence points** to the proposition **that** even **youth** are rational who **respond to incentives in a consistent and measurable manner,** thereby **suggesting that juveniles can be deterred.**

Juveniles thus engage in rational cost-benefit calculations. They are no less impulsive than adults, as discount rates do not vary significantly between adults and juveniles. Yahya[[5]](#footnote-5) 2 furthers:

**Our discount rates**, economists argue, **are** extremely **high when we are concerned about the immediate present [and]**, whereas our discount rates are much **low**er **when the choice is between events in the future. Hyperbolic discounting has been cited as an explanation for why many procrastinate when they should** be filling out their taxes, **quit smoking, or schedule a medical checkup,** why food-stamp recipients eat 10-15 per cent more at the beginning of the month than the end of the month, **and why people may not save enough for retirement as they prefer present consumption over having income at retirement.** Whether hyperbolic discounting explains much of our hastiness, what the reader should take from this is that any claim that juveniles are impulsive is an argument that could be made for all members of society, juvenile and adult. At best what distinguishes adults and juveniles might be the level of impatience, a point that Justice O’Connor repeatedly made regarding the immaturity of juveniles. **If** indeed **juveniles are** hasty and **impulsive, the same is true of adults.** Yet, no one would or could claim to excuse adults from any moral culpability if they committed a heinous crime. **Pedophiles**, for example, **are characterized, according to many psychiatrists, by impulse control disorders,** and **yet no one would claim that they should be less morally culpable than regular adults.** In fact, the United States Supreme Court has upheld civil commitments of sexual offenders when their sentences have been served, because of the fear that such offenders can easily re-offend. **Juveniles should therefore be no less culpable simply because they are impulsive**, and the states should be allowed to set punishments high enough to deter them**.**

Second, the adult criminal justice system empirically deters crime. The possibility of entering the adult criminal justice system deters juveniles. Yahya[[6]](#footnote-6) 3 summarizes the Levitt study:

Professor **Levitt** also investigated another aspect of juvenile crime. He looked at the impact of the relative harshness of adult punishment to juvenile punishment on crimes committed by juveniles who have reached the age of majority. Given that for some states the age of majority is 18 while for others it is 17, this statistical investigation provides us with a look at whether juveniles are rational and able to conduct cost-benefit analysis regardless of whether they are 17 or 18 years of age. In fact, he **found that as juveniles transitioned into adulthood, no matter what the age of majority, crimes committed by the new adults were negatively influenced by the relative harshness of adult punishment. In states where adults were punished far more severely than juveniles, when a juvenile reached the age of majority violent** and property **crimes dropped. In states where a juvenile reaches the age of majority at 17, the new adults committed less violent** and property **crimes than their 17 year old counterparts in those states where the age of majority was 18.**

These results belie the claim that juveniles below the age of eighteen are undeterrable and hence less culpable. It also points to the futility of establishing an arbitrary age of eighteen as the age when a person may be sentenced to death. **Juveniles react just as rationally to** the incentives of **punishment as adults do.** Juveniles do not lack rationality. What is lacking is punishment as severe as that meted out to adults. **Levitt** concluded that the decline in the severity of juvenile punishment explains the relative increase in juvenile crime. In fact, he **estimated that 60% of the increase in juvenile crime could be attributed to the drop in juvenile punishment.** These results show that, by prohibiting the use of the death penalty against juveniles, Roper will be a further hindrance to states in their efforts to combat juvenile crime.

Higher incarceration rates empirically decrease the number of juvenile violent crimes. Yahya[[7]](#footnote-7) 4:

The economist Steven **Levitt conducted the most direct study of juvenile crime.** In his ground-breaking study, Professor Levitt **[He] examined the relationship between punishment and crime committed by juveniles for the period 1978-1993.** In his study, he found that juveniles are deterred by punishment. He also found that similar punishments had similar effects on deterring juveniles and adults. During his study, he observed that juvenile crime rates, especially **violent [juvenile] crime rates, had been rising faster than adult crime rates.** He also noted that **juvenile punishment had fallen in severity by half during this time period, while the severity of adult punishment had risen by over 60%.** Using data from across the United States, Levitt was able to study the relationship between the variation in punishment across states and the rate of juvenile crime in those states. Levitt looked at the impact of the incarceration rate on the number of crimes committed by juveniles. **He found that** there was a statistically significant negative relationship between the two variables. He estimated that **for each extra delinquent incarcerated, there was a reduction of between 0.49 and 0.66 violent crimes.** For property crimes, the reduction was between three and four crimes. **The adult custody rate was also negatively associated with the juvenile violent crime rate** (although it was positively associated with property crimes)**. This suggests that since adults were being punished quite harshly for violent crime, a juvenile realized a lower return from engaging in violent crimes**, perhaps since juveniles who commit violent crimes tend to continue committing such crimes in their adult life. If adults are being harshly punished, this lowers the return from committing such crimes today. Property crimes, on the other hand, do not seem to have this continuity effect; and hence if adults are being incarcerated longer for property crimes, there are more property crime opportunities for juveniles.

Levitt’s study also found that adult courts decrease violent crime by 25% in the year following attainment of the age of majority. Levitt[[8]](#footnote-8) ‘98:

**This** paper presents some of [**is**] **the first rigorous empirical estimate**s **of the effect of the criminal justice system on juvenile crime.** The evidence suggests that **juvenile crime is responsive to harsher sanctions.** The estimated decrease in crime associated with incarcerating an additional juvenile is at least as large as the corresponding reduction in crime for adults. In addition, **there are sharp changes in crime rates associated with the transition from the juvenile to the adult court. In the year following attainment of the age of majority, states that punish adults** particularly **harshly relative to juveniles see violent crime rates fall by** almost **25 percent** and property crime 10-15 percent relative to states in which adult punishments are relatively lenient**.**

Other studies confirm Levitt’s results. Yahya[[9]](#footnote-9) 5:

**Other studies** seem to **confirm Levitt's results.** For example, **one study looked at a sample of 16,478 high school children surveyed in 1995. This study had the advantage of looking at individual behavior as opposed to aggregate crime rates, as in Levitt's article. The dataset contained individual data on youth aged thirteen to seventeen from a wide cross section of society.** The juveniles were asked a set of questions as to whether they had committed certain crimes and how frequently they had done so. **The authors** of the study then **matched this data with data on crime rates and arrest rates for violent crimes** and property crimes**, for both adults and youth, in the county of residence of the juveniles.** The crime categories included selling marijuana, assault, robbery, and burglary. The authors found that the arrest rates negatively impacted the probability of juveniles selling drugs. Specifically, **they found that one additional arrest for a violent crime** **reduced by 3.6% the probability that male juveniles would sell 1drugs.** In addition, **for each violent crime arrest, the probability that male juveniles would commit an assault was reduced by 6.6 %** for each arrest**.** However, robbery and burglary rates by males were not responsive to violent crime arrest rates. On the other hand, the number of thefts and drug sales among female juveniles fell in response to violent crime arrests. Given that the death penalty is a tool aimed primarily at the most violent of crimes, namely murder, the fact that male juveniles committing assaults or selling drugs were responsive to violent crime arrest rates suggests that a fortiori they would be very responsive to the presence of the death penalty as a punishment.

And, the adult system specifically deters transferred juvenile offenders, significantly decreasing the likelihood of short-term recidivism. Hjalmarsson[[10]](#footnote-10) ‘9:

Table 5 presents **the results** of estimating the equation for the sample for which treatment (incarceration) is perfectly assigned by the grid. Each speciﬁcation includes a second-order polynomial of the actual adjudication history score and current offense class (row) dummies. All coefﬁcients are exponentiated such that they have the interpretation of a hazard ratio; that is, values less than one imply a deterrent effect. Column 1 presents the results with no additional controls. The coefﬁcient on D above cutoff **indicate**s **that incarcerated youths have a daily hazard rate of recidivating that is** approximately **37 percent lower than that of nonincarcerated youths.** In other words, **there is strong evidence of a speciﬁc deterrence effect.** Recall that individuals become at risk of recidivating as of the disposition date plus the minimum sentence length. This raises the concern that individuals in the treatment and control groups become at risk of recidivating at different dates. If aging is related to a juvenile’s propensity to recidivate, then the estimated treatment effect may in part be due to aging. Let us assume that individuals are less likely to recidivate as they get older. How would this inﬂuence the interpretation of the estimated deterrence effect? Depending on one’s assumptions about where an individual falls on his or her crime trajectory after incarceration, aging could in theory lead to either an under- or overstatement of the deterrence effect. If the clock stops while a youth is incarcerated, then the incarcerated youth is essentially set back 15 weeks compared with an individual in the control group. The control group would be at a less active stage of their criminal careers, and the deterrence effect would be understated. However, if the clock does not stop, then incarcerated youths will become at risk of recidivating at a time in their age-crime trajectory when they have a lower propensity to recidivate than the control group. Deterrence would then be overestimated. Given that theory does not clearly sign the impact of aging, I assess its importance empirically. As seen in column 2 of Table 5, **controlling for demographic characteristics, including age, gender, and ethnicity, has minimal impact.** This estimated deterrence effect is also not affected when controlling for age more ﬂexibly with age dummies or an age polynomial. Column 3 indicates that the estimated deterrence effect is completely robust to expanding the set of controls to include past and current offense types as well as county dummies. This provides further evidence that unobservables do not vary discontinuously at the cutoffs in such a way that would bias the treatment effect. An additional concern is that the youth is deterred by the prospect of being in a higher column of the grid upon recidivating rather than by the current incarceration sentence. For instance, two individuals who commit the same offense today and who are on either side of a cutoff today will also be in different columns tomorrow. I therefore expand the equation to include dummy variables that indicate a youth’s rounded adjudication score in the next period. According to the grid, the expected probability and severity of incarceration increase as the rounded score increases. The results of this speciﬁcation are presented in column 4 of Table 5. Despite the fact that individuals with higher future scores (that is, they are in higher columns of the grid if they recidivate) are signiﬁcantly less likely to recidivate, there is little impact on the estimated treatment effect. Thus, the results presented in Table 5 indicate that incarcerated individuals have a daily hazard rate of recidivating that is approximately 37 percent lower. This implies that **incarcerated individuals are 11 percent less likely to recidivate after 1 year and approximately 13 percent less likely to recidivate after 1.5 years.** These estimates are roughly consistent with the 8-percentage-point difference in recidivism behavior observed in the raw data in Table 1. Although Table 5 provides strong evidence that placement in juvenile residential facilities decreases the post-release criminal activity of the incarcerated youth, it is important to keep in mind that theory is ambiguous regarding the direction of **this** relationship. The existence of effective treatment programs as well as Becker’s (1968) economic model of crime **impl[ies]**y **a deterrence effect**, while labeling theory (Lemert 1967; Schwartz and Skolnick 1962), peer effects (Taylor 1996; Bayer, Hjalmarsson, and Pozen 2009), and poor prison conditions (Chen and Shapiro 2007; Katz, Levitt, and Shustorovich 2003) may result in an exacerbation of criminal behavior. The evidence of deterrence presented in Table 5 thus indicates **that**, on average, the former mechanisms **dominate[s]** the latter. This does not imply that **those mechanisms that exacerbate criminality** are nonexistent**—**simply that **their effect is small relative to those that** can **yield deterrence.** It may even be the case that these exacerbating forces dominate for certain subpopulations. It is also important to keep in mind that this analysis is based on a single state that has been a leader in juvenile justice reform. It is certainly feasible that incarceration has an exacerbating effect in states other than Washington, which have, for instance, worse prison conditions or educational programs.

Third, the juvenile justice system does not deter crime. Levitt[[11]](#footnote-11) 2:

**The current punitiveness of the juvenile justice system**—which should not have a direct effect on the behavior of adults—**yields** larger estimated impacts in most columns, although in **no** case are these **coefficients statistically significant at the .05 level.** These results suggest that **the punitiveness of juvenile sanctions does not have a first-order impact on** later **criminal involvement. This finding is consistent with** longer-term **deterrent effects and** criminal human capital/**stigma effects roughly offsetting one another**, or both simply being small in magnitude.'

Recidivism rates for juvenile institutions are sky-high. Elrod and Ryder[[12]](#footnote-12) ‘11:

Despite the long history of juvenile correctional institutions and their increasing popularity, little research on their effectiveness has been done. Moreover, what is known is not encouraging. Although some institutional programs for juveniles appear to be effective, **the bulk of the evidence indicates that many juvenile institutions have little impact on recidivism.** (Not surprising, perhaps, considering the quality of life characteristic of many juvenile institutions and the woeful lack of good treatment programs in many facilities.) **One review of rearrest rates in states that rely heavily on juvenile institutions found that the percentage of youths rearrested ranged from 51% to more than 70%. Another study**, which followed up with almost 450 youths released from state training schools, **discovered that the recidivism rate increased each year after discharge, reaching 54% in the fourth year. An examination of the re-arrest rates of youths** discharged from correctional facilities **in New York** state **found that 51% were picked up by the police within a year of release.** Still more **recent data collected by the Virginia Department of Juvenile Justice found that 55% of youths released from placements in Virginia, Florida, and New York were rearrested within 12 months.** Furthermore, **a number of literature reviews have found that** institutional placements and **correctional**

**treatments** in general **have little** positive **effect on recidivism.**

This is because adult criminal court sanctions are much harsher than those of a juvenile court. Steinberg and Scott[[13]](#footnote-13) ‘10:

A2 Why second orde desires/volitions only thing relevant:

1. other conceptions of peronhood aren’t suffiecint, alternate conceptions to show wyh those are better, they can’t merely say they are bad, show something else.. he is saying that the stanaderd morel is bad and second order violitoins avoids that problesm, so unless they have offensive jsutifcations for how to solve for that problem prefer mine since I amthe only one to solve the problem

2. conceptions of personhood are per-requistie since morality distinguishes human, so oviuously you have o come with something that makes that distinction

A2 Criminogenic Environment

1. Double bind: Either A. Adults can leave their environment, in which case parents can just transfer juveniles to different schools or move their families to different communities in the same way, or B. parents cannot do this because of resource constraints, which still warrants equal punishment since this means that resource constraints would equally prevent adults from escaping their environments.
2. Turn: Adults are equally susceptible to communal influences, warranting similar punishment. Adults who participate in gang crime or are part of criminal circles cannot extricate themselves under threat of violence—who leaves a gang with impunity?
3. For criminogenic environment to be a mitigating factor, he must show that criminogenic environments impact MOST crimes, else there’s no reason to adopt such a normative system. There’s no evidence on this in the NC, so it shouldn’t count as a mitigating circumstance. At best, there’s no warrant why inability to escape criminogenic environments ought to count as a mitigating factor.
4. Criminogenic environment is not morally relevant because deontic morality makes judgments about the nature of a person, not about the environments they are in. However, children are equally moral agents as adults—extend Yahya 1 and Bower from the AC. Also, juveniles are equally rational agents since no developmental impediment can make crime literally impossible. If something is determined to happen, then it must necessarily happen. However, this isn’t true for juveniles since many juveniles refrain from crime.

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2. Yahya, Moin A. [Assistant Professor of Law, University of Alberta, Edmonton, AB, Canada. J.D., George Mason University School of Law, 2003. Ph.D. (Economics), University of Toronto, 2000]. *Deterring Roper's Juveniles: Using a Law and Economics Approach to Show that the Logic of Roper Implies that Juveniles Require the Death Penalty More Than Adults*. Dickinson School of Law, Penn State Law Review. Summer 2006. [↑](#footnote-ref-2)
3. Diana Hacker. “A writer’s reference 7th edition”. [↑](#footnote-ref-3)
4. Yahya, Moin A. [Assistant Professor of Law, University of Alberta, Edmonton, AB, Canada. J.D., George Mason University School of Law, 2003. Ph.D. (Economics), University of Toronto, 2000]. *Deterring Roper's Juveniles: Using a Law and Economics Approach to Show that the Logic of Roper Implies that Juveniles Require the Death Penalty More Than Adults*. Dickinson School of Law, Penn State Law Review. Summer 2006. [↑](#footnote-ref-4)
5. Ibid. [↑](#footnote-ref-5)
6. Yahya, Moin A. [Assistant Professor of Law, University of Alberta, Edmonton, AB, Canada. J.D., George Mason University School of Law, 2003. Ph.D. (Economics), University of Toronto, 2000]. *Deterring Roper's Juveniles: Using a Law and Economics Approach to Show that the Logic of Roper Implies that Juveniles Require the Death Penalty More Than Adults*. Dickinson School of Law, Penn State Law Review. Summer 2006. [↑](#footnote-ref-6)
7. Ibid. [↑](#footnote-ref-7)
8. Levitt, Steven D. Juvenile Crime and Punishment. The Journal of Political Economy, Vol. 106, No. 6 (Dec., 1998), pp. 1156-1185. [↑](#footnote-ref-8)
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